

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Number 6,422,291
Issued: July 22, 2002
Name of Patentee: Baumeister & Ostler GmbH & Co. or BOS GmbH & Co. KG
Title of Invention: ROLL-UP BLIND WITH STOWABLE GUIDING MEMBERS FOR
 THE WINDOW OF A VEHICLE

**REQUEST FOR CERTIFICATE OF CORRECTION OF
PATENT FOR APPLICANT'S MISTAKE (37 CFR 1.323)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Decision and Certificate of Correction
 Branch of the Patent Issue Division

Dear Sir:

It is requested that a Certificate of Correction be issued to correct an error found in the above-identified patent. Namely, in claim 1 (Col. 8, l. 47 of the patent) the term "transferring" should be --transfer by--. Attached hereto is a Certificate of Correction which indicates the requested correction.

The error is a result of a clerical oversight that occurred when preliminarily amending an English translation of the claims of the German priority application into better form for U.S. examination. As apparent from the following facts, the error occurred in good faith, does not relate to the inventive aspects of the claimed combination, and would be clearly evident to one of skill in the art from the specification, drawings, and file history:

1. Patent 6,422,291 (the "'291 patent") acknowledges applicant's prior German Patent DE 3612165 which disclosed a roller blind for motor vehicles that included (1) a first drive (a spring motor) for rotating a windup shaft in a roller blind windup direction (Col. 1, ll. 24-27), and (2) a second drive for pivotally transferring levers between a roller blind retracted position parallel to the windup shaft and an upright roller blind extended position. (Col. 1, ll. 32-36)

2. The '291 patent similarly discloses a roller blind for motor vehicles having (1) a first drive in the form of a spring motor that prestresses a windup shaft in a direction for

winding up the web (Col. 3, ll. 39-42; claim 1, Col. 8, ll. 41-43), and (2) a second drive (20) for pivotably transferring actuating levers (9) between a position parallel to the windup shaft and an upright position. (Col. 3, ll. 62- Col. 4, l. 11)

3. The U.S. national phase application from which the '291 patent issued was filed with an English translation of the claims of the German priority application, together with a preliminary amendment in which the translated German claims were rewritten into better form for U.S. examination.

4. The English translation of the German claim called for:

“at least one deflection-resistant actuating element (9,11), which by means of an allocated drive arrangement (20) is to be transferred from a first position, in which pullrod (13) is adjacent to the winding shaft (8), into a second position, in which the pullrod (13) is further remote from the winding shaft (8),”

5. The rewritten claim, namely new claim 22 in the Preliminary Amendment called for that element as:

“at least one deflection-resistant actuating element for transferring an associated second drive arrangement between a first position in which the pullrod is disposed adjacent the winding shaft and a second position in which the pullrod is disposed relatively further away from the winding shaft”

6. The term “transferring” in the rewritten claim 22 plainly should have been “transfer by”. As is clear from the admitted prior art and the disclosure of the application, it is the actuating elements or lever arms that are pivotably transferred between first and second positions. The actuating elements do not transfer the drive between first and second positions as literally called for by the language of the rewritten claim. Indeed, there would be no supporting disclosure for an actuating element that transfers a drive between first and second positions.

7. Since the error related to an element of the combination acknowledged to be in the prior art, it is apparent the error went undetected both by the attorney who prepared the application and the Examiner. As indicated, there was no disclosure in the application which would have supported the literal recitation of an actuating element or lever that transferred a second drive. The existence of the error and how it should appropriately be corrected is clearly evident from the specification, drawings, and file history.

Patent No. 6,422,291

Request for Certificate of Correction

The Commissioner is hereby authorized to charge the \$100.00 fee as required by 37 CFR 1.20(a) to Deposit Account No. 12-1216.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. C. Bays', written over a horizontal line.

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